

27



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

July 28, 2005

***Via Certified Mail***

Delaware County  
ATTN: Carol Fortner  
County Clerk  
P.O. Box 309  
Jay, OK 74346

*Re: Notice of Claim Pursuant to Oklahoma's Governmental Tort Claims Act*

Dear Ms. Fortner:

Pursuant to OKLA. STAT. tit. 51 § 156, the following parties are providing you with their ninety day notice of claim: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC. and Willow Brook Foods, Inc. ("Companies").

On June 13, 2005, the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the Complaint is attached hereto. In its Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et seq., state and federal statutes, and state and federal common law.

The State alleges that the Illinois River Watershed has been damaged by the constituents found in poultry litter, including phosphorus and phosphorus compounds, and nitrogen and nitrogen compounds and other substances asserted in the Complaint. Upon information and belief, other sources, such as Delaware County make significant contributions of all or some of the same constituents to the Illinois River Watershed through its activities, which include, but are not limited to, gravel mining and the manner in which Delaware County constructed, operates and maintains county roads and right-of-ways within the watershed. These contributions are on-going and continuous.

The Companies deny the State's allegations that damage has occurred and deny that the Companies are responsible for such damage. The Companies have made every effort to avoid litigation with the Attorney General. However, due to the State of Oklahoma's institution of litigation, the Companies intend to bring Third-Party claims against Delaware County, other Point Source Contributors, and other Non-Point Source Contributors seeking relief in the form of an

Telephone 918-599-0700  
Facsimile 918-732-5370

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July 28, 2005

injunction requiring the Third-Parties to engage in abatement, clean-up and remediation of any harm caused from their contributions of phosphorus and other constituents into the Illinois River Watershed, and to participate in any natural resource damage assessment and remediation plan development ordered by the Court. The Companies will seek all other equitable and legal remedies available.

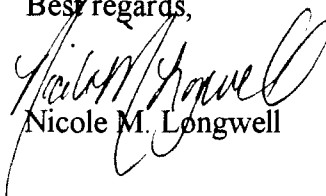
The State of Oklahoma is seeking the following in its Complaint:

- 1) All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- 2) All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- 3) A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;
- 4) All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- 5) Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- 6) Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- 7) Statutory penalties; and
- 8) Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including Delaware County to the extent permitted by law. The Attorney General advises that he remains prepared to negotiate. The Companies would encourage Delaware County to demand a place at the negotiation table since any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Thank you for your cooperation.

Best regards,



Nicole M. Longwell

NML:jlw  
(attachments)

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**Delaware County**  
**Attn: Carol Fortner, County Clerk**  
**P. O. Box 309**  
**Jay, OK 74346**

PS Form 3800, June 2002 See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Delaware County          Attn: Carol Fortner, County Clerk          P. O. Box 309          Jay, OK 74346</p>		<p>B. Received by (Printed Name)          Vicki Kirby</p> <p>C. Date of Delivery          JUL 29 2005</p>	
<p>2. Article Number          (Transfer from service label)</p> <p>7002 2410 0003 1205 5310</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

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**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

July 28, 2005

***Via Certified Mail***

Cherokee County  
ATTN: Shirley Glory  
County Clerk  
213 W. Delaware, Rm. 200  
Tahlequah, OK 74464

*Re: Notice of Claim Pursuant to Oklahoma's Governmental Tort Claims Act*

Dear Ms. Glory:

Pursuant to OKLA. STAT. tit. 51 § 156, the following parties are providing you with their ninety day notice of claim: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC. and Willow Brook Foods, Inc. ("Companies").

On June 13, 2005, the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the Complaint is attached hereto. In its Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et seq., state and federal statutes, and state and federal common law.

The State alleges that the Illinois River Watershed has been damaged by the constituents found in poultry litter, including phosphorus and phosphorus compounds, and nitrogen and nitrogen compounds and other substances asserted in the Complaint. Upon information and belief, other sources, such as Cherokee County make significant contributions of all or some of the same constituents to the Illinois River Watershed through its activities, which include, but are not limited to, gravel mining and the manner in which Cherokee County constructed, operates and maintains county roads and right-of-ways within the watershed. These contributions are on-going and continuous.

The Companies deny the State's allegations that damage has occurred and deny that the Companies are responsible for such damage. The Companies have made every effort to avoid litigation with the Attorney General. However, due to the State of Oklahoma's institution of litigation, the Companies intend to bring Third-Party claims against Cherokee County, other Point Source Contributors, and other Non-Point Source Contributors seeking relief in the form of an injunction requiring the Third-Parties to engage in abatement, clean-up and remediation of any harm

Page 2

July 28, 2005

caused from their contributions of phosphorus and other constituents into the Illinois River Watershed, and to participate in any natural resource damage assessment and remediation plan development ordered by the Court. The Companies will seek all other equitable and legal remedies available.

The State of Oklahoma is seeking the following in its Complaint:

- 1) All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- 2) All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- 3) A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;
- 4) All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- 5) Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- 6) Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- 7) Statutory penalties; and
- 8) Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including Cherokee County to the extent permitted by law. The Attorney General advises that he remains prepared to negotiate. The Companies would encourage Cherokee County to demand a place at the negotiation table since any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Thank you for your cooperation.

Best regards,

  
Nicole M. Longwell

NML:jlw  
(attachments)

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Sent To **Cherokee County**  
**Attn: Shirley Glory, County Clerk**  
Street, Apt. No., or PO Box No. **213 W. Delaware, Room 200**  
City, State, ZIP+4<sup>®</sup> **Tahlequah, OK 74464**

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<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  X <i>T. Clinton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><b>Cherokee County</b>  <b>Attn: Shirley Glory, County Clerk</b>  <b>213 W. Delaware, Room 200</b>  <b>Tahlequah, OK 74464</b></p>		<p>B. Received by (Printed Name) <i>T. Clinton</i> C. Date of Delivery <i>7/29/05</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7002 2410 0003 1205 5297</p>	

PS Form 3811, August 2001

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**Joyce, Paul &  
McDaniel, P.C.**

**Attorneys & Counselors**

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

July 28, 2005

***Via Certified Mail***

Adair County  
ATTN: Carrie Philpott  
County Clerk  
P.O. Box 169  
Stilwell, OK 74960

***Re: Notice of Claim Pursuant to Oklahoma's Governmental Tort Claims Act***

Dear Ms. Philpott:

Pursuant to OKLA. STAT. tit. 51 § 156, the following parties are providing you with their ninety day notice of claim: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC. and Willow Brook Foods, Inc. ("Companies").

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The State alleges that the Illinois River Watershed has been damaged by the constituents found in poultry litter, including phosphorus and phosphorus compounds, and nitrogen and nitrogen compounds and other substances asserted in the Complaint. Upon information and belief, other sources, such as Adair County make significant contributions of all or some of the same constituents to the Illinois River Watershed through its activities, which include, but are not limited to, gravel mining and the manner in which Adair County constructed, operates and maintains county roads and right-of-ways within the watershed. These contributions are on-going and continuous.

The Companies deny the State's allegations that damage has occurred and deny that the Companies are responsible for such damage. The Companies have made every effort to avoid litigation with the Attorney General. However, due to the State of Oklahoma's institution of litigation, the Companies intend to bring Third-Party claims against Adair County, other Point Source

Page 2

July 28, 2005

Contributors, and other Non-Point Source Contributors seeking relief in the form of an injunction requiring the Third-Parties to engage in abatement, clean-up and remediation of any harm caused from their contributions of phosphorus and other constituents into the Illinois River Watershed, and to participate in any natural resource damage assessment and remediation plan development ordered by the Court. The Companies will seek all other equitable and legal remedies available.

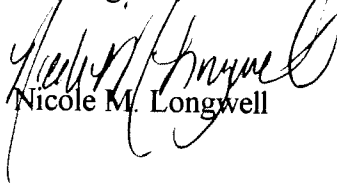
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- 2) All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
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- 5) Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- 6) Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- 7) Statutory penalties; and
- 8) Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including Adair County to the extent permitted by law. The Attorney General advises that he remains prepared to negotiate. The Companies would encourage Adair County to demand a place at the negotiation table since any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Thank you for your cooperation.

Best regards,



Nicole M. Longwell

NML:jlw  
(attachments)



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Sent To **Adair County**  
**Attn: Carrie Philpott, County Clerk**  
 Street, Apt. No., or PO Box No. **P. O. Box 169**  
 City, State, ZIP+4 **Stilwell, OK 74960**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  X <i>C. Philpott</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Adair County  Attn: Carrie Philpott, County Clerk  P. O. Box 169  Stilwell, OK 74960</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery  8-1-05</p>	
<p>2. Article Number  (Transfer from service label)</p> <p>7002 2410 0003 1205 5327</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No  If YES, enter delivery address below:</p>	
<p>PS Form 3811, August 2001</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
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**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

July 28, 2005

***Via Certified Mail***

Sequoyah County  
ATTN: Donna Jamison  
County Clerk  
120 E. Chickasaw  
Sallisaw, OK 74955

***Re: Notice of Claim Pursuant to Oklahoma's Governmental Tort Claims Act***

Dear Ms. Jamison:

Pursuant to OKLA. STAT. tit. 51 § 156, the following parties are providing you with their ninety day notice of claim: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC. and Willow Brook Foods, Inc. ("Companies").

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The State alleges that the Illinois River Watershed has been damaged by the constituents found in poultry litter, including phosphorus and phosphorus compounds, and nitrogen and nitrogen compounds and other substances asserted in the Complaint. Upon information and belief, other sources, such as Sequoyah County make significant contributions of all or some of the same constituents to the Illinois River Watershed through its activities, which include, but are not limited to, gravel mining and the manner in which Sequoyah County constructed, operates and maintains county roads and right-of-ways within the watershed. These contributions are on-going and continuous.

The Companies deny the State's allegations that damage has occurred and deny that the Companies are responsible for such damage. The Companies have made every effort to avoid litigation with the Attorney General. However, due to the State of Oklahoma's institution of litigation, the Companies intend to bring Third-Party claims against Sequoyah County, other Point

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Facsimile 918-732-5370

Page 2  
July 28, 2005

Source Contributors, and other Non-Point Source Contributors seeking relief in the form of an injunction requiring the Third-Parties to engage in abatement, clean-up and remediation of any harm caused from their contributions of phosphorus and other constituents into the Illinois River Watershed, and to participate in any natural resource damage assessment and remediation plan development ordered by the Court. The Companies will seek all other equitable and legal remedies available.

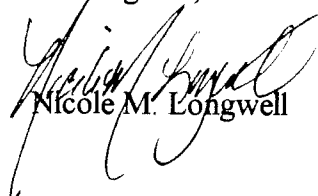
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Thank you for your cooperation.

Best regards,



Nicole M. Longwell

NML:jlw  
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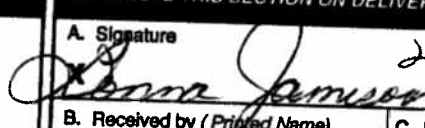
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Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$4.42</b>

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JUL 28 2005

Sent To **Sequoyah County**  
**Attn: Donna Jamison, County Clerk**  
 Street, Apt. No., or PO Box No. **120 E. Chickasaw**  
 City, State, ZIP+4 **Sallisaw, OK 74955**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Sequoyah County            Attn: Donna Jamison, County Clerk            120 E. Chickasaw            Sallisaw, OK 74955</p>		<p>A. Signature  </p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery            7-29-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number            (Transfer from service label)</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, August 2001</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

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